

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 928 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

CHINTAN INDUSTRIES

Versus

RANJAN PLASTIC PVT. LTD

Appearance:

MR MEHUL S SHAH for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/11/1999

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

2. Challenge has been made to the order of the City Civil Court in Summary Suit No. 943 of 1993 dated 5-11-1995 under which the petitioner was granted conditional leave to defend.

3. One of the contentions raised is that the learned

trial court has not passed the speaking order.

4. I find merits in this contention. The order is nothing but only a printed order in which fill in the blanks are there and it is very difficult to sustain such an order. Grant of leave conditionally is a serious matter and before doing so, it is expected of the court to consider all the aspects of the matter then pass a reasoned order.

5. Only on this short ground, this revision application succeeds and the same is allowed. The order dated 5-11-1995 of the City Civil Court, Ahmedabad in Summary Suit No. 943 of 1993 is quashed and set aside. The court below is directed to pass fresh order after hearing the parties concerned. Rule is made absolute.

zgs/-